

REMARKS

The foregoing amendments to the specification and to the claims of this application provide compliance with the allowable claim set as suggested by Supervisory Patent Examiner Amy Nelson on November 7, 2003.

Applicant respectfully submits as shown in the amendments to the specification and to the claims, these corrections are needed for proper disclosure and protection of the invention and require no substantial amount of additional work on the part of the PTO. Applicant herein submits the Summary of the Invention section, Deposits section and claims have been amended in order to properly include the ATCC Accession Numbers of the hybrid 33R77 and the inbred parents GE515419 and GE567914. The changes do not add new matter as there is literal support for the minor changes on page 7 in the originally filed specification. The Applicant provides assurance that:

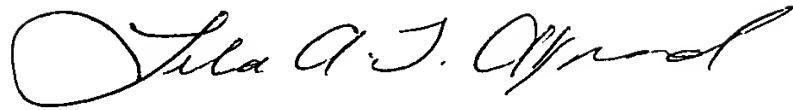
- a) during the pendency of this application access to the invention will be afforded to the Commissioner upon request;
- b) all restrictions upon availability to the public will be irrevocably removed upon granting of the patent;
- c) the deposit will be maintained in a public depository for a period of thirty years, or five years after the last request for the enforceable life of the patent, whichever is longer;
- d) a test of the viability of the biological material at the time of deposit will be conducted (see 37 C.F.R. § 1.807); and
- e) the deposit will be replaced if it should ever become inviable.

Therefore, Applicant submits at least 2500 seeds of hybrid maize plant 33R77 and the inbred parents GE515419 and GE567914 have been deposited with the ATCC. Copies of the ATCC deposit receipts are included in this 37 C.F.R. § 1.312 Amendment After Allowance. Applicant respectfully requests consideration of the aforementioned remarks.

Furthermore, the Applicant submits the issue fee is being paid separately in the subsequent week.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lila A. T. Akrad".

LILA A. T. AKRAD, Reg. No. 52,550
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Attorneys of Record

- bja -



ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

DOCKETED

OCT 06 2003 OCT 08 2003

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor: Pioneer Hi-Bred International, Inc.
Attn: Steve Callistein
7100 NW 62nd Avenue
P.O. Box 1000
Johnston, IA 50131-1000

Deposited on Behalf of: Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC: September 9, 2003

<u>Scientific Description</u>	<u>Depositor's Reference</u>	<u>Patent Deposit Designation</u>
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Hybrid corn (maize) seed	33R77	PTA-5458
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The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

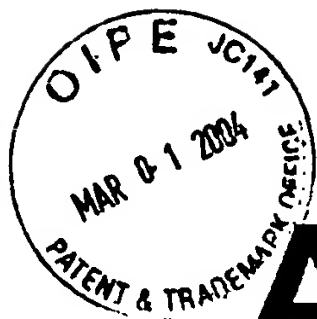
We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested September 15, 2003 and were viable.

American Type Culture Collection

By Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

Date: October 2, 2003



ATCC

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The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International Inc.
Attn: Jean M. Bromert
7100 NW 62nd Avenue
P.O. Box 1000
Johnston, IA 50131-1000

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

March 16, 2001

Scientific Description

Depositor's Reference

Patent Deposit Designation

Inbred corn (maize) seed

GE515419

PTA-3189

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

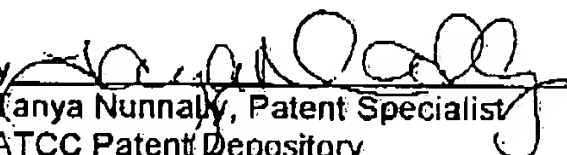
The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

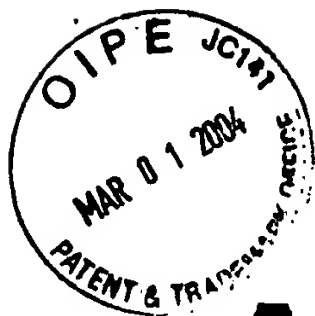
The seeds were tested March 26, 2001 and were viable.

American Type Culture Collection

By


Tanya Nunnally, Patent Specialist
ATCC Patent Depository

Date: April 3, 2001



ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

OCT 06 2003

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International, Inc.
Attn: Steve Callistein
7100 NW 62nd Avenue
P.O. Box 1000
Johnston, IA 50131-1000

DOCKETED

OCT 08 2003

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

September 15, 2003

Scientific Description

Depositor's Reference

Patent Deposit Designation

Inbred corn (maize) seed

GE567914

PTA-5524

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested September 22, 2003 and were viable.

American Type Culture Collection

By

Marie Harris

Marie Harris, Patent Specialist
ATCC Patent Depository

Date: October 2, 2003